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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 MARSHALL BURGESS, JR.,

3:08-CV-437-RCJ(RAM)

9 Plaintiff,

ORDER

10 v.

11 WARDEN DONAT, *et al.*,

12 Defendants.
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14 Before the Court is the Report and Recommendation of U.S. Magistrate Robert A. McQuaid, Jr.,
15 (#74¹) entered on July 28, 2010, recommending Plaintiff's Motion for Summary Judgment (#57) be
16 denied and Defendants' Motion for Summary Judgment (#58) be granted. No Objections have been filed.

17 The Court has conducted its *de novo* review in this case, has fully considered the response of the
18 Defendants, the pleadings and memoranda of the parties and other relevant matters of record pursuant
19 to 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's
20 Report and Recommendation (#74) entered on July 28, 2010, should be adopted and accepted.

21 IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation (#74)
22 entered on July 28, 2010, is adopted and accepted, and Defendants' Motion For Summary Judgment
23 (#58) is GRANTED.

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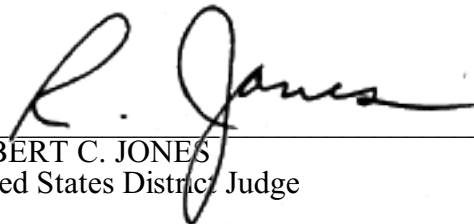
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¹Refers to court's docket number.

1 IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (#57) is DENIED.
2 The Clerk of the shall enter judgment accordingly.

3 IT IS SO ORDERED.

4 DATED: this 16th day of August, 2010.

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6 ROBERT C. JONES
7 United States District Judge
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